

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

v.

OSCAR ADRIAN MARQUEZ,

Case No. 3:19-cr-00356-MO-1

OPINION AND ORDER

Defendant.

MOSMAN, J.,

On March 10, 2020, on my behalf, Judge Marco A. Hernandez held an oral argument on several motions in this case. [ECF 94]. Two of them required somewhat detailed rulings, which Judge Hernandez stated on the record. The parameters of those rulings are outlined in this opinion.

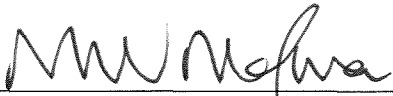
First, the Government's Motion to Admit 404(b) Evidence [ECF 68] is GRANTED, with one exception. The Government moved to introduce evidence that "[d]efendant's abusive conduct toward [Adult Victim 1] included domestic violence incidents that led AV1 to obtain the order of protection at issue in this case." *Id.* at 1. To the extent that the Government seeks to admit evidence of a continuous course of conduct involving acts of domestic violence, that

evidence is admissible. But the Government also stated on the record that it would seek to introduce evidence of a 2007 conviction for domestic violence. The Government could not explain the context for the conviction. If it is connected to consistent and continuous course of conduct, the conviction is admissible in that context. But if it falls outside a continuous course of conduct, it is not admissible as standalone evidence. The court will take this issue under advisement and resolve it at the pretrial conference on March 16, 2020.

Second, Defendant's Motion in Limine [ECF 76] is DENIED, also with one exception. Defendant moved to exclude evidence that AV1's mother changed the terms of her will in response to death threats from Defendant that targeted AV1 and her children. *Id.* at 7. This motion is GRANTED. Evidence of what steps AV1's mother took in response to Defendant's behavior is not relevant to the charges as they relate to AV1.¹ This evidence will not be admitted at trial.

IT IS SO ORDERED.

DATED this 11th day of March, 2020.


MICHAEL W. MOSMAN
United States District Judge

¹ The Government advised the court that it intended to file a second superseding indictment on March 11, 2020 and that the second superseding indictment may add AV1's mother as a victim. In the event it does so, the court will revisit this ruling.